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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7959 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

MOHANBHAI UDABHAI BARIA

Appearance:

MS D.S. PANDIT, ASSTT. GOVERNMENT PLEADER for Petitioner
NOTICE SERVED TO RESP.

CORAM : MR.JUSTICE R.K.ABICHANDANI
Date of decision: 01/09/2000

ORAL JUDGEMENT

The petitioner challenges the impugned order dated 31.1.1991 of the Labour Court rejecting the application of the petitioner for setting aside the ex-parte award as well as the ex-parte award which was made on 24.2.1984, by which the Labour Court had directed

the workmen in question to be reinstated in service with backwages.

2. By the award dated 24.2.1984, ten workmen who were working in Panam Canal Division and whose services were terminated on 12.8.1980 without payment of retrenchment compensation were ordered to be reinstated in service. It was noted in paragraph 3 of the award that the employer did not remain present though it was served by Registered post twice. The averments which were made by the employees in their affidavits - Exhibits 13 to 21 were relied upon by the Labour Court and it was held that there was no reason to doubt their version that their services were illegally terminated.

In the Misc. Application for setting aside the ex-parte award, it was tried to be established that the employer was not served and that there was some change in the name of the employer's office. The Tribunal however, came to a finding that the employer was served twice by Registered Post and if there was any subsequent change in the name of the office that was neither here nor there.

The Tribunal has acted in lawful exercise of its jurisdiction in making the impugned order rejecting the application for setting aside the ex-parte award. Even in making of the ex-parte award it had acted in lawful exercise of its jurisdiction, warranting no interference by this Court. The petit

is discharged with no order as to costs. Interim relief stands vacated.

*/Mohandas